

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

UNITED STATES OF AMERICA

v.

ACTION NO. 2:05mj338

CLARA K. MITCHELL,

Defendant.

O R D E R

_____In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. The Court concludes that the following facts require the detention of the defendant pending trial in this case.

The Court FINDS that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that the case against the defendant is very strong. In addition to a number of illegal transactions with an informant and an undercover FBI agent, the defendant, upon arrest, confessed to committing the offenses named in the criminal complaint. Therefore the weight of the evidence against the defendant is very strong.

The defendant has family ties in New York and Florida. The father of her eight-month-old child is in jail. The eight-month-old child is in the custody of Social Services. The defendant has no employment or significant financial resources. Although she has

lived in the Norfolk area for two years, she has had no fixed residence during that time and has had limited community ties.

The defendant has used drugs in the past and attended a substance abuse program. She stated she used crack cocaine every three weeks and had a crack cocaine pipe in her possession at the time of her arrest.

The defendant was on unsupervised probation for a felony firearms conviction at the time of the commission of the offenses in this case. In addition, the defendant was arrested with 20 documents containing identifying information for other people and 15 credit cards.

Finally, the defendant's criminal record indicates that she is a risk of flight and a danger to the community. As a juvenile she was adjudicated delinquent for a burglary and a harassment. In New York she has been convicted of the misdemeanors of trespass, attempt petty larceny, petty larceny, and criminal possession of a controlled substance. While in New York she was convicted of a felony in 1992 of attempt sale of a controlled substance. Approximately ten months after the conviction she was subject to probation revocation and resentenced to one to three years in the penitentiary. In 1996 she was convicted of attempt robbery and sentenced to six years before she was paroled and discharged on maximum expiration. In October of 2004 she received a five-year suspended sentence and five years of unsupervised probation for a

firearm purchase or dealer violation. The National Crime Information Center also lists nine alias names and three additional social security numbers for Ms. Mitchell.

The Court FINDS that the defendant is a risk of nonappearance because of her residential status, her unemployment, her unknown means of support, and the fact that she uses alias names and social security numbers. In addition, the Court FINDS that she is a danger to the community based on the nature of the alleged offense, her criminal record (which includes four felony convictions), and her self-reported substance abuse history. Additionally, she was on unsupervised probation from Norfolk Circuit Court at the time of the commission of the offenses in this case.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

The Clerk shall mail or deliver a copy of this Order to the

United States Attorney at Norfolk, to the United States Marshal at Norfolk, to the United States Pretrial Services Office at Norfolk, and to counsel of record for the defendant.

/s/

Tommy E. Miller
United States Magistrate Judge

Norfolk, Virginia

September 27, 2005